

REMARKS/ARGUMENTS

112 Rejections

The Examiner has rejected claims 1, 14 and 22 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Particularly, the Examiner has stated that claims 1, 14 and 22 as amended to include an upper and lower section which is uniform in diameter is not taught in Applicant's disclosure. Applicant respectfully traverses.

The original specification, beginning at page 10, line 14, states "splice **30** is smooth and has substantially the same diameter **32** as the diameter **26** of length of material **20**. Length of material **20** is preferably formed into a shape such that it creates upper loop **40**, bottom **60** and lower doubled section **50**."

Because length of material **20** has a diameter **26**, and because length of material **20** forms upper loop **40**, bottom **60** and lower doubled section **50**, therefore upper loop **40**, bottom **60** and lower doubled section **50** inherently must have the same diameter **26**, and such is thus uniform. Moreover, since splice **30** has substantially the same diameter as length of material **20**, all of length of material **20** (which includes upper loop **40**, bottom **60** and doubled section **50**) must have the same, and thus uniform, diameter.

Accordingly, contrary to the Examiner's assertion, length of material, and the upper and lower portions thereof, must all have the same diameter throughout. Thus, the Examiner's 112 rejection is traversed.

103(a) Rejections

The Examiner has rejected claims 1-19 under 35 U.S.C. §103(a) as unpatentable over Giacona, III (U.S. Pat. Pub. No. 2005/0092789) in view of Chu et al. (U.S. Pat. Pub. No. 2004/0225181). Applicant respectfully traverses.

As the Examiner has correctly stated, Giacona, III '789 does not teach that the material forming the upper and lower sections is uniform in diameter. However, the Examiner incorrectly states that Chu et al. '181 supplies this missing element. Chu et al. '181 clearly does NOT do so. In paragraph [0035] of Chu et al. '181, it states that the sling may have a uniform thickness over the entire length and width of the sling. Thickness is NOT diameter. Accordingly, Chu et al. '181 does not supply the missing requirement of a "uniform diameter" as required by Applicant's independent claims 1 and 14, and the rejection as to claims 1 and 14, and all claims depending therefrom, is traversed.

The Examiner has rejected claims 20 and 22 under 35 U.S.C. §103(a) as unpatentable over Giacona '789, in view of Chu et al. '181, further in view of Millen (U.S. Pat. No. 6,129,709). Applicant respectfully traverses.

As noted hereinabove, neither Giacona '789 nor Chu et al. '181 teaches upper and lower sections having a uniform diameter, as claim 20 depending from claim 14 requires, and as claim 22 requires. Moreover, Millen '709 does not supply the missing element of a uniform diameter, and, accordingly, does not support rejection, and the rejection is traversed.

CONCLUSION

No new matter has been added. Applicant respectfully believes that that the application is now in condition for allowance or appeal. Should the Examiner have any questions regarding this submission, he is invited to contact the undersigned counsel at the telephone number below.

{Signature follows on next page}

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Respectfully submitted, this 7th day of January, 2011,

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